

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

NOTOWEEGA NATION

Plaintiff,

v.

Case No. 2:14-cv-1688
Judge Smith
Magistrate Judge King

UNITED STATES OF AMERICA, *et al.*,

Defendants.

ORDER and REPORT AND RECOMMENDATION

Great Elk Dancer for His Elk Nation seeks to proceed in this action on behalf of the Notoweeega Nation without payment of fees or costs. Plaintiff's motion for leave to proceed *in forma pauperis*, ECF 1, is **GRANTED**. All judicial officers who render services in this action shall do so as if the costs had been prepaid.

Having performed the initial screen of the complaint, however, it is **RECOMMENDED** that the action be dismissed unless Great Elk Dancer for His Elk Nation effects the appearance on behalf of plaintiff of counsel authorized to practice in this Court.

The complaint, denominated "*Motion for Summary Judgment*," seeks to "compel the Department of the Interior to give allotment of Warranty Deed, File No. 8734¹ in Hocking County, Ohio, to the Notoweeega Nation for use as Tribal Lands." *Motion for Summary Judgment*, ECF 1-1, PAGEID# 12.

¹The complaint alleges that "File No#" consists of "a total of 1,799 acres or more if deemed so by the court" *Motion for Summary Judgment*, ECF 1-1, PAGEID# 4.

Under 28 U.S.C. § 1654, "the parties may plead and conduct their own cases personally or by counsel." The statute does not permit a party to appear *pro se* where the interests of others are at issue. *Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002). Moreover, the *pro se* litigation on behalf of others constitutes the unauthorized practice of law in Ohio. See *Williams v. Griffith*, 2009 WL 2469523, at *4 (Ohio Ct. App. Aug. 13, 2009).

This action and the complaint are brought in the name of and on behalf of the "Notoweeega Nation." Great Elk Dancer for His Elk Nation is not licensed to practice law in this Court and cannot, therefore, act on behalf of the Notoweeega Nation.

It is therefore **RECOMMENDED** that the action be dismissed, without prejudice, unless an appearance is made by counsel licensed to represent plaintiff in this Court.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. See, e.g., *Pfahler v.*

Nat'l Latex Prod. Co., 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objections to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal") (citation omitted)).

s/ Norah McCann King
Norah McCann King
United States Magistrate Judge

September 23, 2014